

February 25, 2011

The Hon. Terrence W. Boyle
United States District Court for the Eastern District of North Carolina
Terry Sanford Federal Building
310 New Bern Avenue
Raleigh, NC 27601

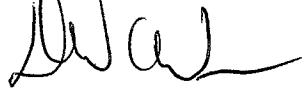
Saund v. M.M. Fowler, Inc.
5:10-cv-00391-BO

Dear Judge Boyle:

Pursuant to Local ADR Rule 101.1c(a), the parties in the above-mentioned case have conferred regarding the selection of a mediator. They have agreed on the selection Jonathan R. Harkavy of Patterson Harkavy LLP to serve as mediator in their dispute, and Mr. Harkavy has agreed to this selection. The parties would note that Mr. Harkavy is a specialist in labor and employment law and has been certified as a mediator by the Court pursuant to Local ADR Rule 101.1b(a)(1).

The parties are currently conferring between themselves and with Mr. Harkavy concerning the appropriate date and location for the mediation.

Respectfully submitted,



David C. Ware

cc: Jonathan R. Harkavy, Esq.
Kerry A. Shad, Esq.